

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

MATTHEW ALAN SMITH ,

Plaintiff,

Hon. Robert Holmes Bell

v.

Case No. 1:14-cv-00706

MIKAYLA J. MAUSER,  
ANDREW H. GOERTZEL AND  
PGAPC, INC.,

Defendant's,

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**REPORT AND RECOMMENDATION**

This is a civil action brought by a *pro se* plaintiff living in Colorado. The nature of Plaintiff's claims and the bases for federal jurisdiction are indiscernible from the complaint. It is also unclear whether venue lies in this Court.

On July 3, 2014, the Court issued an amended order denying Plaintiff's application to proceed *in forma pauperis* (Docket No. 4). The Court ordered Plaintiff to submit the full filing fee of \$400.00 within 30 days of that order, the failure of which would result in the dismissal of this case for lack of prosecution. More than 30 days has elapsed without receipt of the filing fee.

Moreover, on July 3, 2014, the Clerk mailed a copy of the order denying the application to proceed *in forma pauperis* to Plaintiff. The mailing was not deliverable because Plaintiff has not provided the Court with an updated address (see returned mail, Docket Nos. 5 & 6).

As such, the undersigned hereby recommends that this matter be dismissed pursuant to Fed. R. Civ. P. 41(b) and W.D. Mich. L. Civ. R. 41.1 for want of prosecution and failure to comply with

the rules and orders of this court. Local Rule 41.1 states in pertinent part, “Failure of a plaintiff to keep the Court apprised of a current address shall be grounds for dismissal for want of prosecution.” Timely objections to this Report and Recommendation shall be considered Plaintiff’s opportunity to show cause why this matter should not be dismissed.

Respectfully submitted,

Date: August 20, 2014

/s/ Phillip J. Green  
PHILLIP J. GREEN  
United States Magistrate Judge

OBJECTIONS to this Report and Recommendation must be filed with the Clerk of Court within 14 days of the date of service of this notice. 28 U.S.C. § 636(b)(1)(C). Failure to file objections within the specified time waives the right to appeal the District Court’s order. *Thomas v. Arn*, 474 U.S. 140, 155 (1985); *United States v. Walters*, 638 F.2d 947, 949-50 (6th Cir. 1981).